

Combined-Wage Claimant was last employed in covered employment among the States in which the claimant qualifies for unemployment benefits on the basis of combined employment and wages: *Provided*, That, this paragraph (e)(2) shall read as if the Virgin Islands was not referred to therein, effective on the day after the day on which the Secretary approves under section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)), an unemployment compensation law submitted to the Secretary by the Virgin Islands for approval.

(f) *Transferring State*. A State in which a Combined-Wage Claimant had covered employment and wages in the base period of a paying State, and which transfers such employment and wages to the paying State for its use in determining the benefit rights of such claimant under its law.

(g) *Employment and wages*. "Employment" refers to all services which are covered under the unemployment compensation law of a State, whether expressed in terms of weeks of work or otherwise. "Wages" refers to all remuneration for such employment.

(h) *Secretary*. The Secretary of Labor of the United States.

(i) *Base period and benefit year*. The base period and benefit year applicable under the unemployment compensation law of the paying State.

[36 FR 24992, Dec. 28, 1971, as amended at 39 FR 45215, Dec. 31, 1974; 43 FR 2625, Jan. 17, 1978]

**§616.7 Election to file a Combined-Wage Claim.**

(a) Any unemployed individual who has had employment covered under the unemployment compensation law of two or more States, whether or not he is monetarily qualified under one or more of them, may elect to file a Combined-Wage Claim. He may not so elect, however, if he has established a benefit year under any State or Federal unemployment compensation law and:

(1) The benefit year has not ended, and

(2) He still has unused benefit rights based on such benefit year.<sup>1</sup>

(b) For the purposes of this arrangement, a claimant will not be considered to have unused benefit rights based on a benefit year which he has established under a State or Federal unemployment compensation law if:

(1) He has exhausted his rights to all benefits based on such benefit year; or

(2) His rights to such benefits have been postponed for an indefinite period or for the entire period in which benefits would otherwise be payable; or

(3) Benefits are affected by the application of a seasonal restriction.

(c) If an individual elects to file a Combined-Wage Claim, all employment and wages in all States in which he worked during the base period of the paying State must be included in such combining, except employment and wages which are not transferrable under the provisions of §616.9(b).

(d) A Combined-Wage Claimant may withdraw his Combined-Wage Claim within the period prescribed by the law of the paying State for filing an appeal, protest, or request for redetermination (as the case may be) from the monetary determination of the Combined-Wage Claim, provided he either:

(1) Repays in full any benefits paid to him thereunder, or

(2) Authorizes the State(s) against which he files a substitute claim(s) for benefits to withhold and forward to the paying State a sum sufficient to repay such benefits.

(e) If the Combined-Wage Claimant files his claim in a State other than the paying State, he shall do so pursuant to the Interstate Benefit Payment Plan.

<sup>1</sup>The Federal-State Extended Unemployment Compensation Act of 1970, title II, Public Law 91-373, section 202(a)(1), limits the payment of extended benefits with respect to any week to individuals who have no rights to regular compensation with respect to such week under any State unemployment compensation law or to compensation under any other Federal law and in certain other instances. This provision precludes any individual from receiving any Federal-State extended benefits with respect to any week for which he is eligible to receive regular benefits based on a Combined Wage Claim. (See section 5752, part V of the Employment Security Manual.)